

**ENTERED**

November 16, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MICHAEL G. PETERS,

Plaintiff,

v.

GREGG ABBOTT, *et al.*,

Defendants.

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CIVIL ACTION NO. H-21-3731

**MEMORANDUM AND OPINION**

Michael G. Peters is an inmate in the Texas Department of Criminal Justice. In this suit under 42 U.S.C. § 1983, he alleges a conspiracy to keep him falsely imprisoned. Peters has not paid the filing fee. This action will be dismissed under 28 U.S.C. § 1915(g).

Under the Prison Litigation Reform Act of 1995, a prisoner may not file an action without prepayment of the filing fee barring a show of imminent danger if he has, on three or more prior occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals which was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Peters had at least twelve such dismissals before filing his complaint in this case, and is no longer allowed to proceed without prepayment of fees. *See Peters v. Texas Department of Criminal Justice*, No. 4:21-cv-3039 (S.D. Tex. Sept. 23, 2021); *Peters v. TDCJ*, No. 4:21-cv-2447 (S.D. Tex. July 29, 2021); *Peters v. Texas Department of Criminal Justice*, No. 3:21-cv-14 (S.D. Tex. Feb. 1, 2021); *Peters v. Texas Medical Board*, 4:15-cv-3021 (S.D. Tex. Oct. 30, 2015); *Peters v. Rollins*, 4:15-cv-3036 (S.D. Tex. Oct. 27, 2015); *Peters v. Valigura*, 4:15-cv-3023 (S.D. Tex. Oct. 26, 2015); *Peters v. Duckworth*, 4:15-cv-3024 (S.D. Tex. Oct. 22, 2015); *Peters v. Harrison*, 4:15-cv-3037 (S.D. Tex. Oct. 19, 2015); *Peters v. BB&T Bank*, No. 4:15-cv-3035 (S.D. Tex. Oct. 15, 2015); *Peters v. Dreyer*, 4:15-cv-2899 (S.D.

Tex. Oct. 14, 2015); *Peters v. Dreyer*, 4:15-cv-2900 (S.D. Tex. Oct. 6, 2015); *Peters v. Gilbert*, 4:15-cv-2762 (S.D. Tex. Oct. 1, 2015). Peters's allegations do not plead any facts showing that he is in any immediate danger which would warrant waiver of the fee requirement. *See Choyce v. Dominguez*, 160 F.3d 1068, 1071 (5th Cir. 1998); *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

In light of the pleadings and his litigation history, Peters fails to show that he is eligible to proceed without prepayment of fees and also fails to assert a claim that has any legal basis. Consequently, this action is dismissed pursuant to 28 U.S.C. § 1915(g) and 28 U.S.C. § 1915(e). This dismissal counts as a strike under section 1915(g).

SIGNED on November 15, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, stylized "L" and "R".

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Lee H. Rosenthal  
Chief United States District Judge